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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 MATHEW DAVID AHO,

9 Petitioner,

10 v.

11 MICHAEL OBENLAND,

12 Respondent.

CASE NO. C19-5046 BHS

ORDER DENYING PETITIONER'S  
MOTION TO ALTER JUDGMENT

13 This matter comes before the Court on Petitioner Mathew David Aho's ("Aho")  
14 motion to alter judgment. Dkt. 16.

15 On July 17, 2019, the Court adopted the Report and Recommendation ("R&R") of  
16 the Honorable David W. Christel, United States Magistrate Judge, and requested  
17 supplemental briefing on Aho's potential claim for violation of his right to a public trial.  
18 Dkt. 12. On July 31, 2019, the State filed a supplemental response. Dkt. 13. Aho did not  
19 timely reply. On October 7, 2019, the Court denied Aho's petition in its entirety and  
20 denied a certificate of appealability. Dkt. 14. On October 8, 2019, the Clerk entered a  
21 judgment. Dkt. 15.  
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1 On October 31, 2019, Aho filed the instant motion to alter the judgment. Dkt. 16.  
2 First, Aho argues that he filed a reply on August 3, 2019 and that the Court should  
3 consider the merits of that reply. *Id.* at 1. Aho submits no evidence in support of his  
4 assertion that this reply was timely filed. Aho is registered to e-file documents, and all of  
5 his previous documents were timely filed. Thus, Aho's failure to support his contention  
6 that the reply was timely filed is sufficient reason to deny his motion.

7 Second, regarding the merits, Aho fails to establish that the state court's  
8 adjudication of his claim for violation of a right to a fair trial was objectively  
9 unreasonable. Instead, he argues that the state trial court failed to conduct the proper  
10 balancing test under state law. Dkt. 16-1 at 4 (constitutional right was violated  
11 "[b]ecause the court failed to conduct a *Bone-club* analysis").<sup>1</sup> "[I]t is not the province of  
12 a federal habeas court to reexamine state-court determinations on state-law questions."  
13 *Estelle v. McGuire*, 502 U.S. 62, 67–68 (1991). Therefore, Aho's reply fails on the  
14 merits as well, and the Court **DENIES** Aho's motion to alter the judgment.

15 **IT IS SO ORDERED.**

16 Dated this 13th day of January, 2020.

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19 BENJAMIN H. SETTLE  
20 United States District Judge

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22 <sup>1</sup> *State v. Bone-Club*, 128 Wn.2d 254, 258-59 (1995) (listing the five factors a trial court must consider in its analysis before closing a proceeding to the public).